

111TH CONGRESS
1ST SESSION

H. R. 3289

To amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to authorize the Secretary of Homeland Security to construct not less than 350 miles of reinforced fencing along the United States-Mexico border and to gain operational control over such border.

IN THE HOUSE OF REPRESENTATIVES

JULY 22, 2009

Mr. HUNTER (for himself, Mr. ROYCE, Mr. RYAN of Ohio, Mr. STUPAK, Mr. MCINTYRE, Mr. BILBRAY, Mr. ROHRABACHER, Mr. SHULER, and Mr. GARY G. MILLER of California) introduced the following bill; which was referred to the Committee on Homeland Security

A BILL

To amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to authorize the Secretary of Homeland Security to construct not less than 350 miles of reinforced fencing along the United States-Mexico border and to gain operational control over such border.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Unlawful Border Entry
5 Prevention Act of 2009”.

1 **SEC. 2. REINFORCED FENCING ALONG THE SOUTHWEST**
2 **BORDER.**

3 (a) IN GENERAL.—Section 102(A)(b)(1) of the Ille-
4 gal Immigration Reform and Immigrant Responsibility
5 Act of 1996 (Public Law 104–208; 8 U.S.C. 1103 note)
6 is amended by adding at the end the following new sub-
7 paragraph:

8 “(E) REINFORCED FENCING.—

9 “(i) IN GENERAL.—In carrying out
10 subsection (a), and in addition to subpara-
11 graph (A), the Secretary of Homeland Se-
12 curity may construct reinforced fencing
13 along not less than 350 miles of the south-
14 west border where such fencing would be
15 most practical and effective and provide
16 for the installation of additional physical
17 barriers, roads, lighting, cameras, and sen-
18 sors to gain operational control of the
19 southwest border.

20 “(ii) PROHIBITION ON PREEXISTING
21 FENCING TO SATISFY MILEAGE REQUIRE-
22 MENT.—In carrying out clause (i), the Sec-
23 retary may not consider fencing or any
24 other similar physical infrastructure along
25 the southwest border in existence on De-
26 cember 31, 2009, for purposes of satis-

1 fying the mileage requirement under such
2 clause.”.

3 (b) CONFORMING AMENDMENTS.—Subsection
4 (b)(1)(B) of section 102 of the Illegal Immigration Reform
5 and Immigrant Responsibility Act of 1996 is amended—

6 (1) in clause (i), by striking “fencing” and in-
7 serting “reinforced fencing”; and

8 (2) in clause (ii), by inserting “such” before
9 “reinforced fencing”.

10 (c) AUTHORIZATION OF APPROPRIATIONS.—There
11 are authorized to be appropriated such sums as may be
12 necessary to carry out the amendment made by subsection
13 (a).

14 **SEC. 3. PLAN FOR OPERATIONAL CONTROL OF SOUTHWEST**
15 **BORDER.**

16 (a) IN GENERAL.—If the Secretary of Homeland Se-
17 curity determines that, with respect to any fiscal year,
18 there has been a 40-percent increase over the immediately
19 preceding fiscal year in any sector of the southwest border
20 of apprehensions by the Department of Homeland Secu-
21 rity of individuals unlawfully entering the United States,
22 the Secretary shall, not later than 30 days after the date
23 of such determination, submit to Congress a plan to gain
24 operational control of such sector.

1 (b) OPERATIONAL CONTROL DEFINED.—In this sec-
2 tion, the term “operational control” means the prevention
3 of all unlawful entries into the United States, including
4 entries by terrorists, other unlawful aliens, instruments of
5 terrorism, narcotics, and other contraband.

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